

HONORABLE RICHARD A. JONES

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

T-MOBILE USA, INC., a Delaware corporation

Plaintiff,

v.

HUAWEI DEVICE USA, INC., a Texas
corporation; and HUAWEI TECHNOLOGIES
CO. LTD, a China corporation,

Defendants.

Case No. C14-1351-RAJ

JOINT REQUEST TO MODIFY
ORDER SETTING TRIAL DATE
AND RELATED DATES

On January 6, 2015, this Court issued a Minute Order Setting Trial Date and Related Dates. Since that time, the Parties have worked diligently to meet the schedule. Even with that effort, the Parties have determined that it is necessary to request the Court to modify the schedule to allow for a modest continuance of the current trial date and interim dates. LCR 16(b)(4) states that the scheduling order may be modified “only for good cause and with the judge’s consent.” The Parties believe modification of the schedule is appropriate for two principal reasons.

1. Procedural Complexity. As the Court is aware, this is a substantively complex case. The procedural complexities have also been significant, involving both domestic and foreign entities. For example, Defendants are currently in the process of seeking discovery from

1 a third party located in Finland via the Hague Convention. This is a lengthy and complex
2 process.

3 2. Time Needed to Complete Fact and Expert Discovery. The Parties have been
4 diligently pursuing discovery. To date, Defendants have produced over 1.2 million pages of
5 documents and Plaintiff has produced approximately 185,000 pages. The Parties' document
6 productions are ongoing. The Parties are aware that LCR 16(b)(4) provides that "mere failure to
7 complete discovery within the time allowed does not constitute good cause for an extension or
8 continuance." However, the discovery in this case has been complicated by several factors. For
9 example, documents subject to discovery include third-party proprietary business information
10 subject to nondisclosure agreements or other contractual confidentiality obligations. The process
11 of giving notice and responding to third-party concerns and requests to review the material
12 subject to discovery has increased significantly the time required for Plaintiff to complete
13 discovery in this matter. In addition, tens of thousands of Defendants' documents are in Chinese.
14 This has added significantly to the time needed both for the Defendants to prepare those
15 documents for production and for the Plaintiff to review. The Parties are making their source
16 code and facilities in Seattle and Beijing available for inspection by their respective experts. The
17 proposed extension provides for expert discovery to be conducted after the close of fact
18 discovery, thereby reducing the risk of experts having to submit supplemental reports based upon
19 newly discovered facts. In short, the Parties believe that the proposed schedule will allow them
20 to position the case better for the Court's consideration of the issues in summary judgment and,
21 if necessary, trial.

22 In light of the above, the Parties have met and conferred and agreed to seek a modest
23 extension (approximately two months) of the remaining dates on the case schedule:

Event	Current Date	Requested Modified Date
Deadline to file Amended Pleadings	December 23, 2015	February 23, 2016
Deadline to complete Fact Discovery	February 22, 2016	March 18, 2016
Expert Reports Due	December 23, 2015	March 23, 2016
Rebuttal Expert Reports Due	January 22, 2015	April 22, 2016

Deadline to complete Expert Discovery	February 22, 2016 ¹	May 18, 2016
Deadline to file Dispositive Motions	March 22, 2016	May 20, 2016
Deadline to file Motions in Limine	May 23, 2016	July 22, 2016
Agreed Pretrial Order Due	June 6, 2016	August 5, 2016
Trial Materials (briefs, jury instructions, proposed voir dire, agreed neutral statement, deposition designations, and trial exhibits) Due	June 13, 2016	August 12, 2016
Jury Trial Date	June 20, 2016	August 22, 2016

We respectfully request that the Court modify the January 6, 2015 Minute Order Setting Trial Date and Related Dates as set forth above.

DATED this 11th day of December, 2015.

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¹ Fact and expert discovery are not distinguished in the current Order.

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DATED this 11th day of December, 2015.

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